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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,219	12/30/2003	Ki-Chang Kim	11038-119-999	1485
<div>24341      7590      06/28/2007 MORGAN, LEWIS &amp; BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306</div>				
<div>EXAMINER SLITERIS, JOSELYNN Y</div>				
<div>ART UNIT      PAPER NUMBER 3616</div>				
<div>MAIL DATE      DELIVERY MODE 06/28/2007      PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/749,219	Applicant(s) KIM, KI-CHANG	
	Examiner Joselynn Y. Sliteris	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: _____                                     |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/12/07 has been entered.

### ***Election/Restrictions***

2. Claims 4, 5, 7, and 11 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/21/06.

### ***Claim Objections***

3. Claim 2 is objected to because of the following informalities: in claim 2 line 2, "the inner side" should be --an inner side--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Harasaki (U.S. Patent 4,408,794).

6. Regarding claims 1 and 2, Harasaki discloses an upper mounting structure of a rear strut assembly 27, 28 (abstract; Figs. 1-6) as in the present invention comprising:

a rear wheel housing inner panel 13 coupled by welding to a rear floor panel 51 and a quarter inner panel 10 respectively;

a wheel housing cover 5, 16 provided with a guide hole 31 disposed along an axial direction of the strut assembly 27, 28, and bolt holes (Figs. 2, 6), and coupled by welding to said rear wheel housing inner panel so as to form a polygonal section with said rear wheel housing inner panel 13; and

a reinforcing bracket 15 and a welding nut mounted by welding on said wheel housing cover 5, 16 to couple with said bolt holes;

wherein the rear strut assembly 27, 28 comprises a boss, protruding in the axial direction from an end of the strut assembly 27, 28, the boss being configured to be mounted in the guide hole;

wherein said wheel housing cover 5, 16 is bent in a stair form and installed to face the inner side of a bent portion of said rear wheel housing inner panel and to form a polygonal section between said bent portion and said wheel housing cover.

7. Regarding claims 8 and 9, Harasaki discloses an upper mounting structure of a rear strut assembly 27, 28 (abstract; Figs. 1-6) as in the present invention comprising:

a rear wheel housing inner panel 13 coupled to a floor panel 51 and coupled to a quarter inner panel 10;

a wheel housing cover 5, 16 coupled to said rear wheel housing inner panel 13 so as to form a polygonal section with said rear wheel housing inner panel, wherein said wheel housing cover 5, 16 comprises a guide hole 31 disposed along an axial direction of the rear strut assembly 27, 28; and

a reinforcing bracket 15 coupled on said wheel housing cover 5, 16;

wherein the rear strut assembly 27, 28 comprises a boss, protruding in the axial direction from an end of the rear strut assembly, the boss being configured to be mounted in the guide hole 31;

wherein said wheel housing cover 5, 16 is configured and dimensioned to mate an inner side of said rear wheel housing inner panel 13 and to form a polygonal section.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkerson (U.S. Patent 4,213,631) in view of Harasaki (U.S. Patent 4,408,794).

10. Regarding claims 1 and 2, Wilkerson discloses an upper mounting structure of a strut assembly 20 (see annotated Fig. 2 attached) as in the present invention comprising:

a wheel housing inner panel coupled to a floor panel and a quarter inner panel respectively;

a wheel housing cover 42 provided with a guide hole 43 disposed along an axial direction of the strut assembly 20, and bolt holes, and coupled to said wheel housing inner panel so as to form a polygonal section with said wheel housing inner panel; and

a reinforcing bracket 40 mounted on said wheel housing cover 42 to couple with said bolt holes;

wherein the strut assembly 20 comprises a boss, protruding in the axial direction from an end of the strut assembly 20, the boss being configured to be mounted in the guide hole 43;

wherein said wheel housing cover 42 is bent in a stair form and installed to face the inner side of a bent portion of said wheel housing inner panel and to form a polygonal section between said bent portion and said wheel housing cover.

But Wilkerson does not disclose the upper mounting structure being applied to a rear strut assembly but rather a front strut assembly 20. Harasaki discloses that it is known in the art to apply an upper mounting structure to a rear strut assembly 27, 28 (abstract, Figs. 1-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the upper mounting structure of

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Wilkerson to a rear strut assembly according to the teachings of Harasaki, in order to provide an effective upper mounting structure of a rear strut assembly.

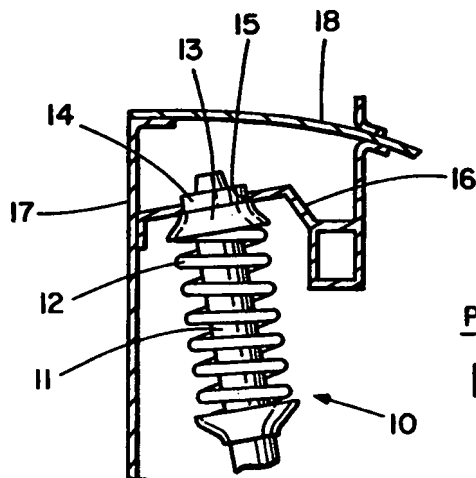
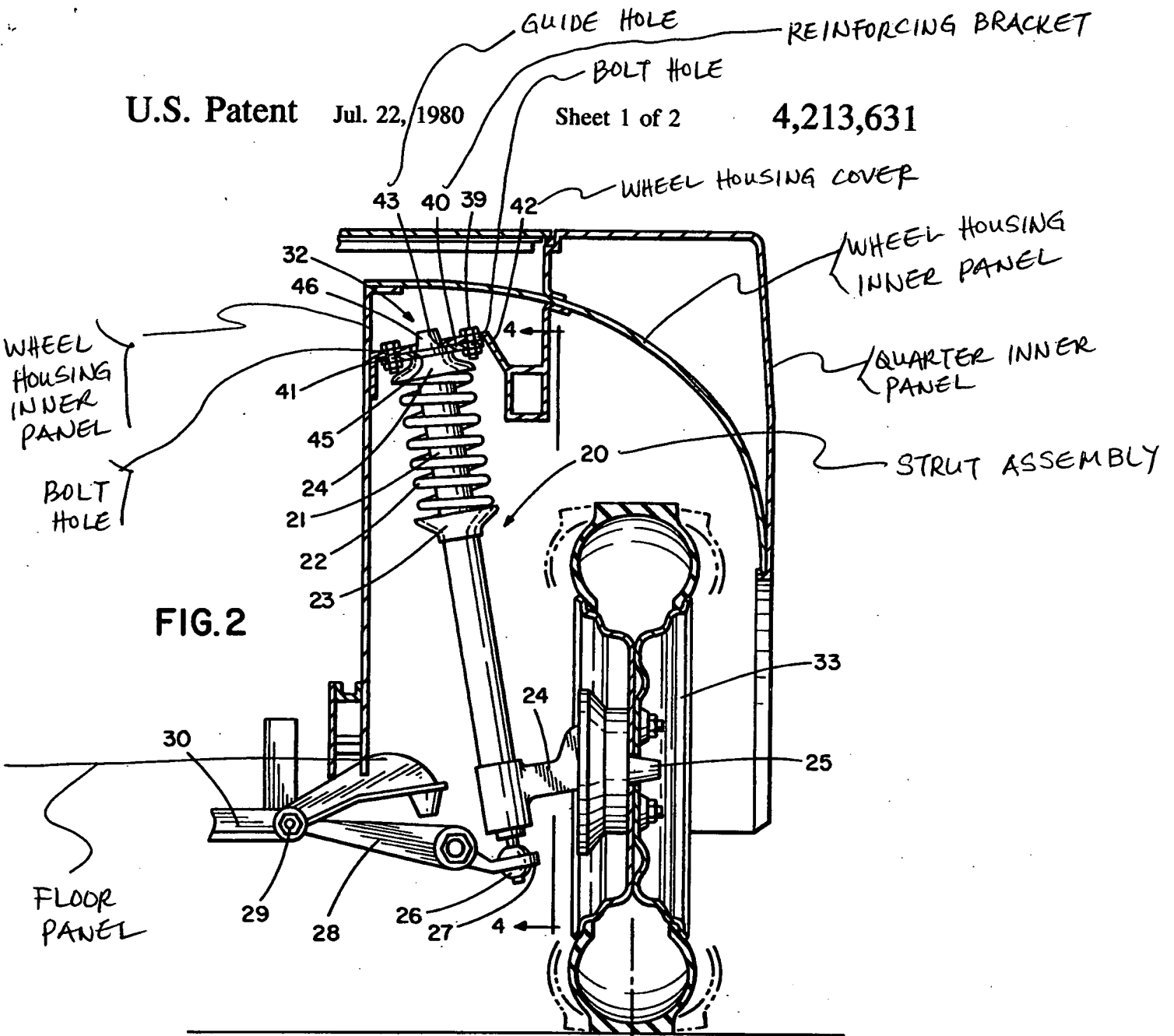
Wilkerson also does not specifically disclose coupling and mounting the various components by welding. However, Harasaki discloses that it is known in the art to couple and mount the various components together by welding. Further, it is old and well known in the art to couple components together by welding. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to couple and mount the various components of Wilkerson by welding according to the teachings of Harasaki, in order to provide a strong connection among the various components.

Wilkerson also does not disclose a nut mounted on the wheel housing cover to couple with the bolt holes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the nut and bolt in Fig. 2 of Wilkerson, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

11. Regarding claims 8 and 9, Wilkerson discloses an upper mounting structure of a strut assembly 20 (see annotated Fig. 2 attached) as in the present invention comprising:

a wheel housing inner panel coupled to a floor panel and coupled to a quarter inner panel;

a wheel housing cover 42 coupled to said wheel housing inner panel so as to form a polygonal section with said wheel housing inner panel, wherein said wheel





housing cover 42 comprises a guide hole 43 disposed along an axial direction of the strut assembly 20; and

a reinforcing bracket 40 coupled on said wheel housing cover 42;

wherein the rear strut assembly 20 comprises a boss, protruding in the axial direction from an end of the strut assembly, the boss being configured to be mounted in the guide hole 43;

wherein said wheel housing cover 42 is configured and dimensioned to mate an inner side of said wheel housing inner panel and to form a polygonal section.

But Wilkerson does not disclose the upper mounting structure being applied to a rear strut assembly but rather a front strut assembly 20. Harasaki discloses that it is known in the art to apply an upper mounting structure to a rear strut assembly 27, 28 (abstract, Figs. 1-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the upper mounting structure of Wilkerson to a rear strut assembly according to the teachings of Harasaki, in order to provide an effective upper mounting structure of a rear strut assembly.

12. Regarding claims 3 and 10, the combination of Wilkerson and Harasaki discloses the reinforcing bracket 40 configured and dimensioned as a circular plate; designed to couple with the wheel housing cover 42; and designed to coat only the bolt hole formed on the wheel housing cover. But the combination does not disclose the reinforcing bracket being configured and dimensioned as a triangular plate. However, to provide the reinforcing bracket configured and dimensioned as a triangular plate represents an

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obvious change in shape in the components, considered to be within the level of ordinary skill in the art. In re Dailey et al., 149 USPQ 47.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkerson (U.S. Patent 4,213,631) in view of Harasaki (U.S. Patent 4,408,794) as applied to claim 1 above, and further in view of Kawada et al. (U.S. Patent 6,969,053), previously cited by examiner.

14. Regarding claim 6, the combination of Wilkerson and Harasaki discloses the claimed invention except for the welding nut being T-shaped. Kawada discloses that it is known in the art to provide a T-shaped nut 52, 70. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the nut of Wilkerson and Harasaki with the T-shaped nut of Kawada, in order to increase rigidity.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harasaki (U.S. Patent 4,408,794) in view of Kawada et al. (U.S. Patent 6,969,053), previously cited by examiner.

16. Regarding claim 6, Harasaki discloses the claimed invention except for the welding nut being T-shaped. Kawada discloses that it is known in the art to provide a T-shaped nut 52, 70. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the nut of Harasaki with the T-shaped nut of Kawada, in order to increase rigidity.

***Response to Arguments***

17. Applicant's arguments with respect to claims 1-3, 6, and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Monday, Wednesday & Thursday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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